United Nations A/70/969

General Assembly

Distr.: General
30 June 2016
English
Original: Russian

Seventieth session
Item 72 (a)
Promotion and protection of human rights: implementation of human rights instruments

Letter dated 24 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement delivered by the representative of the Russian Federation during the thirty-fifth meeting of States parties to the International Covenant on Civil and Political Rights under the agenda item entitled "Other matters" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the seventieth session of the General Assembly under agenda item 72 (a).

(*Signed*) Petr **Illichev**
Chargé d'affaires a.i

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Annex to the letter dated 24 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement delivered by the representative of the Russian Federation on 23 June 2016 during the thirty-fifth meeting of States parties to the International Covenant on Civil and Political Rights under the agenda item entitled "Other matters"

We would like to take this opportunity to comment on some aspects of the work of the Human Rights Committee. From our own experience, we have seen that the treaty bodies, in this case the Human Rights Committee, are moving away from fulfilling their primary task of providing assistance to States in implementing their obligations under the Covenant, particularly in building and enhancing national capacities to promote and protect human rights.

A number of systemic issues were revealed by our engagement with the Committee in March 2015, during consideration of the seventh periodic report of the Russian Federation on the implementation of the International Covenant on Civil and Political Rights.

Unfortunately, unlike the other treaty bodies, the Committee has a very questionable practice whereby the names of the rapporteur and co-rapporteur for the country under consideration are classified information. How is this approach compatible with a constructive and open dialogue between Committee experts and the reporting State? Since self-nomination is the main instrument for the selection of rapporteurs, situations arise where representatives of one regional group dominate. This is strange, to say the least.

The Committee's working methods raise many questions. For instance, until a periodic report is considered at a session (i.e. for two to four months), the Committee compiles a list of additional questions on the document, after which the Secretariat takes at least six weeks to translate them. As a result, the reporting State does not have enough time to prepare substantive replies, which clearly does not meet the objective of a constructive dialogue between the Committee and the State concerned.

We would once again like to draw attention to paragraph 16 of General Assembly resolution 68/268 on strengthening the functioning of the treaty body system, regarding the limitation of documentation during the consideration of periodic reports. In contrast to the strict controls placed on States to prevent them from exceeding the established limits on the amount of the information submitted, the number of questions posed by experts and their level of detail remain essentially unlimited. Furthermore, time is disproportionately allocated during presentation of the report itself. In total, experts are given around two hours to pose questions, while delegations have on average only two and a half hours to respond. However, as evidenced by our most recent experience with the Committee in March 2015, experts were highly interested in some developments dating back to the year 2000 that had already been discussed twice in the Committee during the consideration of previous reports.

Another questionable practice is the Committee's engagement with representatives of civil society before the presentation of national reports. It is not clear why closed meetings are held between the Committee's experts and non-governmental organizations, when other committees hold open meetings.

Our general impression was that many of the conclusions and recommendations were "carbon copies" made by Committee experts and did not relate to the actual situation in our country. For example, following consideration of Russia's seventh periodic report, the concluding observations included questions and concerns from the Committee that had not been addressed directly during the dialogue with the delegation. The Human Rights Committee thereby itself undermines the idea that the concluding observations are the result of its dialogue with the State.

We would like to make some specific comments on the follow-up procedure developed by the Committee. There is no justification for the increase in the work of the Committee, including the additional time spent on intersessional correspondence with the State regarding the implementation of concluding observations, to say nothing of the additional burden placed on the State by this practice, which is not required by the Covenant.

In conclusion, we would like to recommend that the Committee use the meeting time allocated to it more efficiently. Unfortunately, the treaty bodies often overlap in their work. During the presentation of Russia's report in March 2015, a significant number of recommendations were addressed to us that are the responsibility of other committees, in particular the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee against Torture.

For our part, we are ready to continue to discuss the Committee's working methods, both with the treaty body experts themselves and with other States. We are convinced that such dialogue will contribute towards greater trust between States parties and treaty bodies. It will also help to advance the work of these monitoring mechanisms in order to improve the fulfilment of obligations under the main international human rights treaties.